

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
April 19, 2005

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, April 19, 2005, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. The invocation was given by Father James Barlow, Langley Air Force Base Chapel.

Pledge of Allegiance to the Flag of the United States of America.

HIGHWAY MATTERS

Mr. David Steele, Acting Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He reported that VDOT was working to maintain a safe and effective transportation system, stating extra effort was being given at this time to the serious potholes on Interstate 64. He referred to the construction on Cary's Chapel Road, stating it was both on time and within budget, and was approximately 30 percent complete. He explained that VDOT would be restructuring the management of the Williamsburg residency by separating the construction portion from other responsibilities. He noted he would act as the construction engineer; a resident administrator will be named at a later date. Mr. Steele stated this would be his last Board meeting.

Mrs. Noll stated she had been very pleased with Mr. Steele's can-do attitude and his enthusiastic cooperation.

Mr. Bowman thanked Mr. Steele for all of his help and inquired about the completion of the ditch cleaning on Seaford Road.

Mr. Steele reiterated that VDOT had been focusing on the interstate but would soon be focusing on drainage issues.

Mr. Shepperd thanked both Mr. Steele and his predecessor for their service to the County and stated they had set standards for service and response that the County had not been used to receiving. He then asked if the backlog for the ditch cleaning was still five months.

Mr. Steele explained that the status depended on the priority assigned to each location.

Mr. Shepperd questioned the delamination on Hampton Highway and stated it was getting worse.

Mr. Steele replied that VDOT was keeping an eye on it to make sure huge potholes did not develop, and that it would be taken care of under the current paving schedule.

Mr. Shepperd asked about improvements to the turning lanes at the Route 134/Big Bethel Road and Route 171/Big Bethel Road intersections.

Mr. Steele acknowledged that VDOT was working on plans to determine where costs could be reduced without creating a negative impact on the design capacity. He stated VDOT was also going to try and acquire additional project funding from the Hampton Roads Planning District Commission, but it would probably be two more months before it was advertised.

Mr. Shepperd then reported trouble with the light synchronization on Victory Boulevard, and he asked Mr. Steele to look into it.

Mr. Burgett echoed the comments of the other Board members regarding Mr. Steele's support, stating the County never had such good service. He asked about the ditch cleaning for Hodges Cove Road and Jernigan Lane areas that had not been cleaned since Hurricane Isabel.

Mr. Steele explained how VDOT determined the areas to be cleaned, and stated it tries to work on a number of locations in the same area to make it more economically feasible, possibly eight or ten different problem areas at the same time.

CITIZENS COMMENT PERIOD

Ms. Mary Fox, 214 Wildwood Drive, appeared on behalf of the York-Poquoson Relay for Life. She invited everyone in the community to support the Relay for Life team, and she mentioned some of the events that would be taking place. She asked that everyone show support by attaching purple ribbons to their mailboxes, doors, and trees in support of the York-Poquoson Relay for Life during the week of May 9.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed the following newly appointed members to York County Boards and Commissions and presented each of them with a Boards and Commissions Handbook and lapel pin:

Glen Brazelton
Kevin J. Collins

Historical Committee
Regional Issues Committee

VOLUNTEER REPORT/OUTSTANDING VOLUNTEER AWARDS

Mr. Rick Smethurst, Department of Community Services, gave a presentation on the 2004 Volunteer Program and the contributions made to the County. He stated there were nearly 1,800 individuals and over 115 different support groups that logged over 86,000 hours of volunteer service; the equivalent of more than 41 full-time employees. He stated the monetary value to the County was over \$1,760,000. Mr. Smethurst announced that the annual Volunteer Appreciation Day event would be held on Saturday, April 30, 2005, at Chisman Creek Park.

Chairman Shepperd congratulated and thanked each of the following awardees and presented each with an engraved plate in recognition of their contributions to the County:

David Benedict
Robert Brodel
H. Junior Coxton
Kirk Moore and Penny Rich
Donna Galganski-Pabst
Judy Goodwin
Rhonda Nachman
Hank Scheele
Charlotte Tyeryar
Roseanne G. Tyndall

Crossroads Vocational Coordinator
Stormwater Advisory Committee
Route 17 Revitalization Program
Eastern Virginia Mountain Bike Assoc.
Paramedic & Instructor
Mosquito Control Monitor
Dedicated Volunteer Library
Master Gardener Coordinator
Senior Center Board
4-H Volunteer Club Leader

Peggy Turnage and Pete Showalter
John LaRoche

Yorktown Fourth of July Committee
Yorktown Rotary Club

MARKETING RESOURCE TASK FORCE

Mr. Mike Maddocks, Williamsburg Area Destination and Marketing Committee, Marketing Resources Task Force, began his presentation on the Task Force by giving some history on its formation. He stated the members work closely with the Yorktown 225th Anniversary and Jamestown 2007 celebration committees to market the historic triangle area as a tourist destination. He detailed some of the areas of advertising being used, and he discussed proposed billboard locations, including the gowilliamsburg.com website where people can go to actually purchase vacations.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett announced the arrival of the new Assistant County Attorney Melanie Economou and invited the Board to stop by his office and meet her. He then stated he had attended the Local Government Attorneys' Conference that was held recently in Alexandria, and he reported on some of the items discussed, including the new legislation affecting local governments. Mr. Barnett stated he would try and prepare everything necessary for the adoption of ordinance amendments dealing with General Assembly action that are required by July 1, 2005.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reported on the activities relating to the waterfront and the completion of Riverwalk Landing. He announced the ribbon cutting ceremony to be held on May 28th and invited everyone to visit the website and follow the links to view the schedule. He reminded the Board of its next meeting on May 3 followed by the May 17 regular meeting.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll explained that the week of April 3-9 was the Week of the Young Child. She stated that on April 6 she met with Virginia's first lady, Lisa Collis, who visited the Griffin-Yeates center for an overview of children's programs provided by the County. Mrs. Noll then read a poem written by one of the fathers in a parental group. She reported on speaking with Congressman Frank Wolf and stated she was pleased with his intentions to maintain funding for aeronautics next year to avoid a 6 percent cut for administration. Mrs. Noll explained that Mr. Wolf also supports the President's new vision for space, and realizes the importance of research in aeronautics. She stated he intends to insert budget language requiring the Bush administration develop a national aeronautics policy within one year.

Mr. Bowman announced that the Comprehensive Plan Committee was moving along well, and the next meetings would be held on 21 and 26 April, and the Comprehensive Plan would be presented to the Planning Commission next month. He thanked VDOT for installing the signs on Wolftrap Road to restrict tanker trucks from using it. He stated mosquito spraying would begin on May 2, and he briefly discussed his newsletter.

Meeting Recessed: At 6:51 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened: At 7:02 the meeting was reconvened in open session by order of the Chair.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

April 19, 2005

Chairman Burgett congratulated Nancy K. Bolash, Office of the Commonwealth's Attorney, for her 20 years of service with the County, and he presented her with a service pin and certificate.

PUBLIC HEARINGS

CONVEYANCE OF UTILITY EASEMENT

Mr. Barnett gave a presentation on proposed Resolution R05-54 to execute a right-of-way agreement with Virginia Electric and Power Company conveying an easement on County-owned property located at 400 Water Street.

Chairman Burgett called to order a public hearing on proposed Resolution R05-54 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH VIRGINIA
ELECTRIC AND POWER COMPANY CONVEYING AN EASEMENT
ON COUNTY-OWNED PROPERTY LOCATED AT 400 WATER
STREET

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mr. Bowman then moved the adoption of proposed Resolution R05-54 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH VIRGINIA
ELECTRIC AND POWER COMPANY CONVEYING AN EASEMENT
ON COUNTY-OWNED PROPERTY LOCATED AT 400 WATER
STREET

WHEREAS, in connection with the development of the Yorktown waterfront, the York County Department of Environmental and Development Services has requested the Virginia Electric and Power Company to provide underground electric utility lines across property owned by the County and having a street address of 400 Water Street, otherwise identified as GPIN P12D-2729-1275; and

WHEREAS, following a duly advertised public hearing, this Board has determined that the public interest would be served by granting such easement.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of April, 2005, that the County Administrator is authorized to execute a right-of-way agreement with Virginia Electric and Power Company conveying to Virginia Electric and Power Company a power line utility easement as shown the plat attached to the memorandum of the County Attorney dated March 11, 2005.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett
Nay: (0)

JUSTICE ASSISTANCE GRANT PROGRAM

Ms. Carol White, Director of Financial and Management Services, explained the need to receive public comments on the proposed use of grant funds from the Federal Bureau of Justice Assistance for the Sheriff's Office.

Chairman Burgett called to order a public hearing on the use of grants funds from the Federal Bureau of Justice Assistance for the Sheriff's Office which was duly advertised as required by law.

There being no one present who wished to speak concerning the subject matter, Chairman Burgett closed the public hearing.

RELOCATION OF POLLING PLACE

Mr. Barnett gave a presentation on proposed Ordinance No. 05-7 to amend York County Code Section 9-38 to change the polling place for the Queens Lake Precinct from Queens Lake Middle School to Magruder Elementary School.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 05-7 that was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTION 9-38 TO CHANGE THE LOCATION OF THE POLLING PLACE FOR THE QUEENS LAKE PRECINCT (YORK COUNTY ELECTION DISTRICT NO. 1) FROM QUEENS LAKE MIDDLE SCHOOL TO MAGRUDER ELEMENTARY SCHOOL

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Ordinance No. 05-7 that reads:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTION 9-38 TO CHANGE THE LOCATION OF THE POLLING PLACE FOR THE QUEENS LAKE PRECINCT (YORK COUNTY ELECTION DISTRICT NO. 1) FROM QUEENS LAKE MIDDLE SCHOOL TO MAGRUDER ELEMENTARY SCHOOL

WHEREAS, York County Code Section 9-38 currently designates Queens Lake Middle School as the polling place for the Queens Lake Precinct in York County Election District No. 1; and

WHEREAS, the Electoral Board of the County of York, Virginia, has requested that the polling place for Queens Lake Precinct be changed from Queens Lake Middle School to Magruder Elementary School; and

WHEREAS, it appears that the public interest would be well served by relocating the polling place as requested, and that the York County School Board has stated that it has no objection to the change.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this 19th day of April, 2005, that section 9-38, York County Code, be, and it is hereby, amended to read as follows:

Sec. 9-38. Precincts established.

- (a) Pursuant to authority contained in the Code of Virginia (1950), as amended, sections 24.2-307 through 24.2-310.1, the precincts and their respective polling places for York County, Virginia are hereby created and established as set forth in this article.
- (b) The precincts for each election district and the polling places for each precinct shall be as set forth below:

Precinct

Polling Place

York County Election District No. 1

Waller Mill
Queens Lake
Magruder
Yorktown

Waller Mill Elementary School
Magruder Elementary School
Griffin-Yeates Center
York High School

York County Election District No. 2

Kiln Creek
Coventry

York County Library-Tabb
Coventry Elementary School

York County Election District No. 3

Edgehill
Harris Grove
Seaford

Yorktown Elementary School
York County General Services Building
Seaford Elementary School

York County Election District No. 4

Dare
Harwoods Mill

Dare Elementary School
Grafton-Bethel Elementary School

York County Election District No. 5

Bethel
Tabb

Tabb Elementary School
Tabb High School

This ordinance shall take effect at such time as the United States Department of Justice shall have approved the relocation of the polling place pursuant to applicable provisions of the Federal Voting Rights Act, and proper notice of the change can be given to the public pursuant to applicable provisions of the Code of Virginia, including but not limited to Code of Virginia § 24.2-306, otherwise the polling place to remain at Queens Lake Middle School until such time as all requirements have been satisfied.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

APPLICATION NOS. ZM-88-05 AND UP-646-05, KING'S CREEK DEVELOPERS, LLC

Mr. Carter gave a presentation on Application No. ZM-88-05 to reclassify a 25.1-acre portion of two parcels located at 1681 Penniman Road and 112 Jones Drive from RR (Rural Residential) to EO (Economic Opportunity) subject to voluntarily proffered conditions, and Application No. UP-646-05 to approve a special use permit authorizing the construction of up to 400 timeshare units on the property described above in connection with Application No. ZM-88-04. He stated that the Planning Commission considered the applications and forwarded them to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the applications through the adoption of proposed Ordinance No. 05-8 and proposed Resolution R05-56.

Mr. Bowman asked if the new structures would tie the theme in with the existing structures to make it an easy transition.

Mr. Carter explained the applicant had done a good job of mixing the various styles of units within the property. He further elaborated on the styles of the timeshares, indicating that all was subject to site plan review.

Mr. Zaremba stated he was concerned about how the neighboring residents felt about the proposed development.

Discussion centered over the neighbors' concerns and the developer's plan.

Mr. Billie Miller, 27 Indigo Dam Drive, Newport News, representing the applicant, appeared to answer the Board's questions concerning the application. He thanked Ms. Tammy Hicks for her help in organizing the neighbors to address their concerns. He mentioned that the property was for sale now and they feared someone would come in with some other use. He explained it was not available at the time King's Creek was started or they would have already pursued it.

Mr. Zaremba mentioned the Williamsburg Area Destination Marketing Committee and asked why the timeshare industry had not been involved in the effort to reverse major losses in tourism.

Mr. Kevin Jones, Vice-President of Sales for King's Creek, stated he had not been invited, nor had he heard of the committee before his last meeting with Mr. Zaremba. He stated they were interested in anything that would bring more customers to the Williamsburg area. He then elaborated on the fees and the types of rentals available.

Chairman Burgett then called to order a public hearing on Application Nos. ZM-88-05 that was duly advertised as required by law. Proposed Ordinance No. 05-8 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP
BY RECLASSIFYING APPROXIMATELY 25.1 ACRES ON THE
SOUTH SIDE OF PENNIMAN ROAD FROM RR (RURAL RESIDENTIAL)
TO EO (ECONOMIC OPPORTUNITY) SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

Ms. Tammie Hicks, 1701 Penniman Road, appeared to offer support for the application from the residents of Penniman Road. She stated the King's Creek developers met with the residents and they were able to come to an agreement. She mentioned she was the only resident present at the Planning Commission and stated that local residents felt the County would do what it wanted. She pointed out that King's Creek would be a good asset to the community and asked if this would expedite the County's plan to extend sewer the residents in the area. She then voiced concerns over the use of the King's Creek pool by its neighbors, and the lack of a recreation center in the area.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Ms. Noll asked for a copy of Ms. Hicks' statement since she was unable to finish reading it.

Chairman Burgett requested that the Board receive copies and stated it would be made an official part of the minutes as follows:

"Good Evening Mr. Chairman and other members of the Board.

My name is Tammie Hicks and I reside at 1701 Penniman Road, Williamsburg, VA.

I suspect my name is familiar to you, because a few months ago, a petition signed by the residents in the Penniman/Springfield Road area was forwarded to each of you regarding the pending zoning application before you tonight.

As a result of the resident's disapproval of the zoning application, King's Creek representatives postponed their initial application and were kind enough to meet with ALL of the residents from the area, namely about 10-15 families—most are elderly.

Present at this meeting was King's Creek Attorney, Mr. Billie Millner, Tom Ruhf, Agent for King's Creek, a Planning representative from Landmark surveying and design and the realtor, Lamont Myers. Mr. Zaremba was invited and had planned to attend but had a last minute conflict. Though many considered the meeting unsuccessful, a step was made in the right direction to coexist. As a result of this meeting, King's Creek did revise their plans and increased the setbacks. The height of one of the buildings was reduced from 6 stories to 4, though 3 stories would be a little less intimidating on a residential area. Progress was made in the right direction.

At the continued Planning Commission meeting on March 9th, no residents were in attendance except me. The residents have expressed that they feel the county will do what they want—anyway. Because Mr. Cross, the county's principal planner was recommending the application and the county's comprehensive plan appears to be allowing business and industry in the area, the residents feel helpless. Though I beg to differ.

The Springfield road area is a small bedroom community filled with most elderly people, they are not mobile and many are 'set in their ways.' So in the words of Mr. Millner, King's Creek can become an Asset to this community. Should the board approve this application, the residents and the time share will need to co-exist.

In this regard, this should expedite the county's plan to extend sewer to the residents in the area. The King's Creek resolution calls for the entire development to be served by public water and sanitary sewer (see item #9). With the sanitary sewer so close, it should be extended to the residents there now who depend on septic tanks. The water line was completed about 4-5 years ago. I would also like to see the development extend some type of use privileges to the neighbors in the area. As you know, the upper county has no fitness or recreation facilities available except those that are made possible through James City Recreation. Though I understand a YMCA is to be constructed on Mooretown Road, residents in this area, many without transportation, still have to travel at least 10-15 miles away from their home to use this facility. Though the residents may never take advantage of attending, I think use of the facilities should be made available as a kind gesture—we are only speaking of 10-12 families—since they are an asset.

There is also a paragraph in the resolution which will address future traffic issues and conduct a traffic study and possible traffic light installations.

Unfortunately, the residents were left with the impression that they have little and the developers have a lot, thus, their small voices would not be heard. Consequently, I stand before you today, alone. I am hopeful that the Board will consider the suggestions when either approving or disapproving the application.

Thank you."

Mr. Shepperd responded that he was disturbed that a citizen would comment that the Board is going to do what it wants to do. He expressed his concern about rezoning Rural Residential property and stated he did not take it lightly. He pointed out that he had received no comments, no complaints, and had heard nothing from citizens on this matter. He commented that the material was well prepared, and noted the Planning Commission's recommendation. He stated there were no objections to the application.

Ms. Noll then moved the adoption of proposed Ordinance No. 05-8 that reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP
BY RECLASSIFYING APPROXIMATELY 25.1 ACRES ON THE
SOUTH SIDE OF PENNIMAN ROAD FROM RR (RURAL RESIDEN-

TIAL) TO EO (ECONOMIC OPPORTUNITY) SUBJECT TO VOLUN-
TARILY PROFFERED CONDITIONS

WHEREAS, King's Creek Developers, LLC has submitted Application No. ZM-88-04, which requests to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to EO (Economic Opportunity) approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), and further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F (GPIN# I14a-0471-2628 and I14c-0668-2083); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisor this the 19th day of April, 2005, that Application No. ZM-88-04 be, and it hereby is, approved to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to EO (Economic Opportunity) approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), and further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F (GPIN# I14a-0471-2628 and I14c-0668-2083) and more fully identified and described as follows:

All of that piece or parcel of land situated in the Magruder district of York County, VA containing 25.1456 acres and more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Penniman Road, State Route 641, said point being the common corner between the property herein described and property now or formerly owned by Lawrence I. Jones. Thence from said point of being along a curve to the right having a radius of 715.00' and an arc length of 50.02' to a point; thence S 26° 44' 40" E, 351.50' to a point; thence N 63° 15' 20" E, 180.69' to a point; thence S 22° 43' 40" E, 32.83' to a point; thence N 45° 00' 23" E, 7.50' to a point; thence S 44° 49' 37", 224.21' to a point; thence N 45° 10' 23" E, 249.33' to a point; thence S 44° 57' 45" E, 111.48' to a point; thence S 44° 57' 45" E, 232.26' to a point; thence S 41° 52' 45" E, 289.41' to a point; thence S 41° 29' 45" E, 59.58' to a point; thence S 44° 21' 53" E, 124.54' to a point; thence S 31° 31' 01" E, 27.01' to a point; thence S 31° 41' 53" E, 37.93' to a point; thence S 12° 03' 01" E, 115.13' to a point; thence S 26° 32' 55" E, 143.74' to a point; thence S 09° 16' 58" E, 235.50' to a point; thence S 56° 34' 50" W, 230.74' to a point; thence N 76° 38' 13" W, 189.81' to a point; thence N 51° 01' 51" W, 328.64' to a point; thence S 73° 16' 35" W, 167.41' to a point; thence N 53° 05' 20" W, 87.91' to a point; thence N 80° 39' 21" E, 89.09' to a point; thence N 52° 47' 00" W, 160.01' to a point; thence N 37° 42' 56" W, 280.28' to a point; thence N 31° 41' 51" W, 201.60' to a point; thence N 26° 55' 57" W, 47.61' to a point; thence N 26° 38' 25" W, 92.06' to a point; thence N 19° 43' 25" W, 54.28' to a point; thence N 63° 15' 25" E, 100.13' to a point; thence N 26° 44' 40" W, 166.48' to a point; thence N 49° 17' 00" W, 98.64' to a point; thence N 47° 22' 10" E, 195.27' to a point; thence N 26° 44' 40" W, 189.79' and returning to the Point of Beginning.

BE IT FURTHER RESOLVED that approval of this application shall be subject to the voluntarily proffered conditions as set forth in the applicant's proffer statement, titled "REVISED PROFFERS: Rezoning Application No. ZM-88-04," signed by Thomas J. Ruhf, Authorized Agent for King's Creek Developers, LLC and dated January 27, 2005, a copy of which

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shall remain on file in the Planning Division and which, upon approval by the Board of Supervisors, shall be recorded in the office of the Clerk of the Circuit Court pursuant to the requirements of Section 24.1-114(e)(1) of the York County Zoning Ordinance.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

Chairman Burgett then called to order a public hearing on proposed Application No. UP-646-05 that was duly advertised as required by law. Proposed Resolution R05-56 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE CONSTRUCTION OF UP TO 400 TIMESHARE UNITS ON APPROXIMATELY 25.1 ACRES LOCATED ON THE SOUTH SIDE OF PENNIMAN ROAD

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Ms. Noll then moved the adoption of proposed Resolution R05-56 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE CONSTRUCTION OF UP TO 400 TIMESHARE UNITS ON APPROXIMATELY 25.1 ACRES LOCATED ON THE SOUTH SIDE OF PENNIMAN ROAD

WHEREAS, King's Creek Developers, LLC, has submitted Application No. UP-646-04 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 11, Number 11) of the York County Zoning Ordinance, to authorize the construction of a maximum of 400 timeshare units on approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F (GPIN# I14a-0471-2628 and I14c-0668-2083); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of April, 2005, that Application No. UP-646-04 be, and it hereby is, approved to authorize a Special Use Permit for the construction of a maximum of 400 timeshare units on approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F (GPIN# I14a-0471-2628 and I14c-0668-2083) and more fully identified and described as follows:

All of that piece or parcel of land situated in the Magruder district of York County, VA containing 25.1456 acres and more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Penniman Road, State Route 641, said point being the common corner between the property herein described and property now or formerly owned by Lawrence I. Jones. Thence from

said point of being along a curve to the right having a radius of 715.00' and an arc length of 50.02' to a point; thence S 26° 44' 40" E, 351.50' to a point; thence N 63° 15' 20" E, 180.69' to a point; thence S 22° 43' 40" E, 32.83' to a point; thence N 45° 00' 23" E, 7.50' to a point; thence S 44° 49' 37", 224.21' to a point; thence N 45° 10' 23" E, 249.33' to a point; thence S 44° 57' 45" E, 111.48' to a point; thence S 44° 57' 45" E, 232.26' to a point; thence S 41° 52' 45" E, 289.41' to a point; thence S 41° 29' 45" E, 59.58' to a point; thence S 44° 21' 53" E, 124.54' to a point; thence S 31° 31' 01" E, 27.01' to a point; thence S 31° 41' 53" E, 37.93' to a point; thence S 12° 03' 01" E, 115.13' to a point; thence S 26° 32' 55" E, 143.74' to a point; thence S 09° 16' 58" E, 235.50' to a point; thence S 56° 34' 50" W, 230.74' to a point; thence N 76° 38' 13" W, 189.81' to a point; thence N 51° 01' 51" W, 328.64' to a point; thence S 73° 16' 35" W, 167.41' to a point; thence N 53° 05' 20" W, 87.91' to a point; thence N 80° 39' 21" E, 89.09' to a point; thence N 52° 47' 00" W, 160.01' to a point; thence N 37° 42' 56" W, 280.28' to a point; thence N 31° 41' 51" W, 201.60' to a point; thence N 26° 55' 57" W, 47.61' to a point; thence N 26° 38' 25" W, 92.06' to a point; thence N 19° 43' 25" W, 54.28' to a point; thence N 63° 15' 25" E, 100.13' to a point; thence N 26° 44' 40" W, 166.48' to a point; thence N 49° 17' 00" W, 98.64' to a point; thence N 47° 22' 10" E, 195.27' to a point; thence N 26° 44' 40" W, 189.79' and returning to the Point of Beginning.

BE IT FURTHER RESOLVED that approval of this use permit shall be subject to the following conditions:

1. This Special Use Permit shall authorize the construction of a maximum of 400 time-share units on approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F (GPIN# I14a-0471-2628 and I14c-0668-2083).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to the commencement of any development or land clearing activities on the site. Such site plan shall be in substantial conformance with the "King's Creek Plantation, Jones Acquisition Exhibit," prepared by Landmark Design Group and dated January 6, 2005, supplemented by the applicant's narrative description titled "King's Creek Plantation: Jones Property Expansion," dated January 27, 2005, and the building rendering entitled "SPI & SPJ Building Elevation, King's Creek Plantation Jones Tract" and dated January 6, 2005." Copies of all three documents shall remain on file in the Planning Division.
3. The maximum number of timeshare units, including "lockout units," shall be 400.
4. No buildings on the subject property shall exceed four (4) stories in height.
5. On-site parking to serve the development shall be provided at a minimum ratio of 1.3 spaces per dwelling unit.
6. The Zoning Administrator shall be authorized to require the developer to conduct a signal warrant analysis of the intersection of Tranquility Drive, Penniman Road, and Route 199 prior to the approval of any site plan for development of the property. In any event, a traffic signal warrant analysis shall be required prior to approval of the 1,101st unit in the project, if a signal has not yet been installed.
7. The developer shall provide a gated access from the subject property to Penniman Road for emergency vehicles only. No other vehicular access from the subject property to Penniman Road shall be permitted either during or after the construction process.
8. Landscaping shall be provided on both sides of the afore-mentioned gated emergency access in accordance with the planting ratios for a Type 25 (25') transitional buffer in

accordance with the standards set forth in Section 24.1-243 of the York County Zoning Ordinance.

9. The entire development shall be served by public water and sanitary sewer.
10. The developer shall submit a Natural Resources Inventory in accordance with the Environmental Management Area Overlay District standards set forth in Section 24.1-372(d) of the Zoning Ordinance.
11. The timeshare resort shall consist only of residential units for which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule, which may vary within certain specified time periods, on a periodically recurring basis.
12. Permanent year-round occupancy of any units by any individual or family other than that of a resident manager or caretaker and his or her family shall not be permitted.
13. All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with Section 55-360 et seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer's legal counsel that the referenced standards have been met shall be submitted with development plans.
14. All streets, drives, and parking areas in the development shall be constructed to VDOT cross-sectional street standards.
15. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
Nay: (0)

APPLICATION NOS. ZM-91-05 AND UP-660-05, LANDMARK BUILDING & DEVELOPMENT OF NORTH CAROLINA, LLC.

Mr. Carter gave a presentation on Application No. ZM-91-05 to reclassify 63.48 acres of property located on the north side of Merrimac Trail (Route 143) approximately 1,250 feet south of its intersection with Tam-O-Shanter Boulevard (Route 1123) from Limited Business to Economic Opportunity and from Limited Business to Resource/Conservation, subject to voluntarily proffered conditions; and on Application No. UP-660-05 to approve a special use permit authorizing the construction of a timeshare resort on approximately 64.48 acres proposed for rezoning to EO as described above in connection with Application No. ZM-91-05. He stated the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the applications through the adoption of proposed Ordinance No. 05-9 and proposed Resolution R05-57.

Mr. Vernon Geddy, representing the applicant, described some of the innovative and award-winning communities created by Landmark. He discussed some of the proffers offered and encouraged the Board to support staff's and the Planning Commission's recommendations.

Chairman Burgett called to order a public hearing on Application Nos. ZM-91-05 and UP-660-05 that were duly advertised as required by law.

Proposed Ordinance 05-9 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP
BY RECLASSIFYING APPROXIMATELY 66 ACRES ON THE
NORTHSIDE OF MERRIMAC TRAIL (ROUTE 143) FROM LB (LIM-

ITED BUSINESS) AND RC (RESOURCE CONSERVATION) TO EO
(ECONOMIC OPPORTUNITY) AND TO RC SUBJECT TO VOLUN-
TARILY PROFFERED CONDITIONS

Proposed Resolution R05-57 is entitled:

A RESOLUTION TO APPROVE OF A SPECIAL USE PERMIT TO
AUTHORIZE THE CONSTRUCTION OF A TIMESHARE RESORT
ON APPROXIMATELY 64.48 ACRES OF LAND LOCATED ON THE
NORTH SIDE OF MERRIMAC TRAIL (ROUTE 143).

Mr. Stan Gorsky, 302 Artillery Road, spoke in favor of the application and encouraged the Board to support the project. He was pleased that all portions of the land would be used for one project, and stated it was a win-win solution for the County Club, Landmark, and the County.

There being no one else present who wished to speak concerning the subject applications, Chairman Burgett closed the public hearing.

Mr. Zaremba stated he felt the project was a good match for the location and expressed his support for the project.

Mr. Bowman then moved the adoption of proposed Ordinance No. 05-9 that reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP
BY RECLASSIFYING APPROXIMATELY 66 ACRES ON THE
NORTHSIDE OF MERRIMAC TRAIL (ROUTE 143) FROM LB (LIM-
ITED BUSINESS) AND RC (RESOURCE CONSERVATION) TO EO
(ECONOMIC OPPORTUNITY) AND TO RC SUBJECT TO VOLUN-
TARILY PROFFERED CONDITIONS.

WHEREAS, Landmark Building and Development of North Carolina, LLC, has submitted and Williamsburg Country Club and Revocor Corporation, N.V., will execute Application No. ZM-91-05, which requests to amend the York County Zoning Map by reclassifying 63.48 acres identified as Assessor's Parcel Nos. 15-2-D (GPIN I12C-0023-1654), 15-6-A (GPIN I12C-0536-0860), 15-7 (GPIN I12C-0061-1057), 15-2-C (GPIN H12D-3733-1074), 15-2-B (GPIN H12D-3064-1241), and 15-4B (GPIN H12D-2515-1568) from LB (Limited Business) to EO (Economic Opportunity); a 1.0-acre portion of Assessor's Parcel No. 15-4A (GPIN H12B-3671-2710) from RC (Resource Conservation) to EO; a 1.08-acre portion of Assessor's Parcel No. 15-2-B from LB to RC; and a 0.41-acre portion of Assessor's Parcel No. 15-4A from LB to RC; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 19th day of April, 2005, that Application No. ZM-91-05 be, and it hereby is, approved to amend the York County Zoning Map by reclassifying 63.48 acres identified as Assessor's Parcel Nos. 15-2-D (GPIN I12C-0023-1654), 15-6-A (GPIN I12C-0536-0860), 15-7 (GPIN I12C-0061-1057), 15-2-C (GPIN H12D-3733-1074), 15-2-B (GPIN H12D-3064-1241), and 15-4B (GPIN H12D-2515-1568) from LB (Limited Business) to EO (Economic Opportunity); a 1.0-acre portion of Assessor's Parcel No. 15-4A (GPIN H12B-3671-2710) from RC (Resource Conservation) to EO; a 1.08-acre portion of Assessor's Parcel No. 15-2-B from LB to RC; and a 0.41-acre portion of Assessor's Parcel No. 15-4A from LB to RC subject to the voluntarily proffered conditions set forth in the applicant's proffer statement, titled "Conditions voluntarily proffered for

the reclassification of property identified as tax parcels 15-(2)-C, 15-(2)-D, 15-7, 15-6-A, 15-4B, and a portion of 15-4A.” signed by the current owners of the subject property Revocor Corporation, N.V. and the Williamsburg Country Club, a copy of which shall remain on file in the Planning Division, and which, upon approval by the Board of Supervisors, shall be recorded in the office of the Clerk of the Circuit Court pursuant to the requirements of Section 24.1-114(e)(1) of the York County Zoning Ordinance.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett
Nay: (0)

Ms. Noll then moved the adoption of proposed Resolution R05-57 that reads:

A RESOLUTION TO APPROVE OF A SPECIAL USE PERMIT TO
AUTHORIZE THE CONSTRUCTION OF A TIMESHARE RESORT
ON APPROXIMATELY 64.48 ACRES OF LAND LOCATED ON THE
NORTH SIDE OF MERRIMAC TRAIL (ROUTE 143).

WHEREAS, Landmark Building and Development of North Carolina, LLC, has submitted and Williamsburg Country Club and Revocor Corporation, N.V. will execute Application No. UP-660-05 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 11, Number 11) of the York County Zoning Ordinance, to authorize a Special Use Permit for the construction of a timeshare resort on approximately 64.48 acres of land located on the north side of Merrimac Trail (Route 143) approximately 1,250 feet south of the intersection with Tam-O-Shanter Boulevard (Route 1123) and further identified as Assessor’s Parcel Nos. 15-2-D (GPIN I12C-0023-1654), 15-6-A (GPIN I12C-0536-0860), 15-7 (GPIN I12C-0061-1057), 15-2-C (GPIN H12D-3733-1074), 15-4B (GPIN H12D-2515-1568), and portions of Assessor’s Parcel Nos. 15-2-B (GPIN H12D-3064-1241) and 15-4A (GPIN H12B-3671-2710); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of April, 2005, that Application No. UP-660-05 be, and it hereby is, approved to authorize a Special Use Permit for the construction of a timeshare resort on approximately 64.48 acres of land located on the north side of Merrimac Trail (Route 143) approximately 1,250 feet south of the intersection with Tam-O-Shanter Boulevard (Route 1123) and further identified as Assessor’s Parcel Nos. 15-2-D (GPIN I12C-0023-1654), 15-6-A (GPIN I12C-0536-0860), 15-7 (GPIN I12C-0061-1057), 15-2-C (GPIN H12D-3733-1074), 15-4B (GPIN H12D-2515-1568), and portions of Assessor’s Parcel Nos. 15-2-B (GPIN H12D-3064-1241) and 15-4A (GPIN H12B-3671-2710):

1. This use permit shall authorize the establishment of a timeshare resort with a maximum of 824 timeshare units on property located on the north side of Merrimac Trail (Route 143) approximately 1,250 feet south of the intersection with Tam-O-Shanter Boulevard (Route 1123) and further identified as Assessor’s Parcel Nos. 15-2-D, 15-6-A, 15-7, 15-2-C, 15-4B, and portions of Assessor’s Parcel Nos. 15-2-B and 15-4A. A timeshare unit shall be defined as a single unit of one or more rooms that may be separated from other units by a locked door, providing complete, independent transient living facilities for one family, including permanent provisions for living, sleeping, cooking, and sanitation.

2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to the commencement of any development or land clearing activities on the site. Such site plan shall be in general conformance with the conceptual plan titled "Master Plan – Parkview and Illustrative Plan - Parkview" prepared by AES Consulting Engineers, dated March, 2005, a copy of which shall remain on file in the Planning Division.
3. The exterior siding, roofing, and brick shall generally conform with the architectural renderings titled "Front Elevation View" and "Rear Elevation View" dated 12/04, a copy of which will remain with the application file.
4. Transitional buffers in accordance with Section 24.1-243 of the York County Zoning Ordinance shall be provided along all property lines.
5. The developer shall be responsible for installing left turn lanes from eastbound Route 143 into the Property at the eastern most and western most entrances with 200 feet of storage and 200 foot tapers for each turn lane. A 150-foot right turn lane from west bound Route 143 at the western most entrance into the Property and a continuous right turn lane from the I-64 off ramp onto Route 143 to the eastern most entrance shall be constructed. All public roadway improvements shall be approved by VDOT prior to construction. In addition, all streets, drives, and parking areas in the development shall be constructed to VDOT cross-sectional street standards.
6. The resort shall be served by sanitary sewer and public water.
7. Permanent year-round occupancy of any units by any individual or family other than that of a resident manager or caretaker and his or her family shall not be permitted.
8. The timeshare resort shall consist only of residential units for which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule, which may vary within certain specified time periods, on a periodically recurring basis.
9. Proposed procedures and regulations for maintenance and upkeep of the facility shall be submitted to the Zoning Administrator for review and approval at the time of the initial site plan submission for the project.
10. On-site parking to serve the development shall be provided in accordance with all applicable requirements set forth in Article VI of the Zoning Ordinance.
11. All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with Section 55-360 et seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer's legal counsel that the referenced standards have been met shall be submitted with development plans.
12. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zarembo, Burgett
 Nay: (0)

APPLICATION NO. UP-661-05, THE HERTZ CORPORATION

Mr. Carter gave a presentation on Application No. UP-661-05 to approve a use permit authorizing an auto rental establishment of approximately 1,900 square feet with associated rental car storage in the Liguria Retail Center located at 2021 Richmond Road on property located on the north side of Richmond Road (Route 60) approximately 850 feet west of its intersection with Governor Berkley Road. He stated the Planning Commission considered the application and

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forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-58.

Mr. Samuel Smith, Newport News, appeared on behalf of the applicant to answer questions the Board may have.

Mr. Zaremba asked about the number of vehicles kept on site.

Mr. Smith explained the company works from a pool of cars and brings the cars to the location as needed.

Chairman Burgett called to order a public hearing on Application UP-661-05 that was duly advertised as required by law. Proposed Resolution R05-58 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE AN AUTO RENTAL ESTABLISHMENT WITH ASSOCIATED RENTAL CAR STORAGE AT 2021 RICHMOND ROAD

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Chairman Burgett expressed disappointment that the owner of the business did not care enough to be present during the public hearing. He suggested that the application be tabled.

Mr. Zaremba noted he understood Mr. Burgett's position concerning the owner, but suggested that the Hertz Company should not be kept from moving forward.

Chairman Burgett stated the Board should consider requiring the applicant to be present for the public hearing.

Ms. Noll then moved the adoption of proposed Resolution R05-58 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE AN AUTO RENTAL ESTABLISHMENT WITH ASSOCIATED RENTAL CAR STORAGE AT 2021 RICHMOND ROAD

WHEREAS, Hertz Corporation has submitted Application No. UP-661-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 5(a)) of the York County Zoning Ordinance to authorize a 1,900-square foot auto rental establishment with associated rental car storage in the Liguria Retail Center located at 2021 Richmond Road (Route 60) and further identified as Assessor's Parcel No. 5-48 (GPIN No. C16b-3628-2567); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of April, 2005, that Application No. UP-661-05 be, and it hereby is, approved to authorize a 1,900-square foot auto rental establishment with associated rental car storage in the Liguria Retail Center located at 2021 Richmond Road (Route 60) and further identified as Assessor's Parcel No. 5-48 (GPIN No. C16b-3628-2567), subject to the following conditions:

1. This use permit shall authorize a 1,900-square foot auto rental establishment with associated rental car storage located at 2021 Richmond Road (Route 60) and further identified as Assessor's Parcel No. 5-48.
2. The subject use shall be in substantial conformance with the sketch plan submitted by the applicant titled "Hertz @ Liguria Retail Center," dated 1/14/05, prepared by MSA, P.C. and received by the Planning Division on January 13, 2005, except as modified herein or as may be necessary to comply with site plan review requirements.
3. Any signage associated with the use shall be installed in compliance with all applicable requirements of the Zoning Ordinance.
4. Prior to issuance of a Certificate of Occupancy for the proposed use, a detailed parking tabulation for the retail center shall be submitted to and approved by the Department of Environmental and Development Services. The tabulation shall take into account all current uses as well as the proposed use with their corresponding parking requirements.
5. Rental car storage shall be limited to parking spaces located along the rear property boundary as shown on the plan referenced in Condition #2 above. Rental car storage spaces shall be identified on-site with appropriate signage meeting requirements of Section 24.1-702 of the Zoning Ordinance.
6. There shall be no service or repair of rental cars on site.
7. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

| | | |
|------|-----|---------------------------------|
| Yea: | (4) | Bowman, Shepperd, Zaremba, Noll |
| Nay: | (1) | Burgett |

APPLICATION NO. UP-662-05, JAMES D. AND MIA M. CUNNINGHAM

Mr. Carter gave a presentation on Application No. UP-662-05 to approve a use permit authorizing an accessory apartment of approximately 515 square feet on the second story of a detached garage to be built in conjunction with an existing single-family detached home on a 0.81-acre parcel of land located at 104 North Will Scarlet Lane in the Queens Lake subdivision. He stated the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-59.

Mr. Ron Beulin, Case Remodeling, represented the applicant and stated the homeowners were out of town this evening and offered to answer any of the Board's questions.

Chairman Burgett called to order a public hearing on application UP-662-05 which was duly advertised as required by law. Proposed Resolution R05-59 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT FOR A
DETACHED ACCESSORY APARTMENT AT 104 NORTH WILL
SCARLET LANE

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Resolution R05-59 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT FOR A
DETACHED ACCESSORY APARTMENT AT 104 NORTH WILL
SCARLET LANE

WHEREAS, James D. and Mia M. Cunningham have submitted Application No. UP-662-05, which requests a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize an accessory apartment of approximately 515 square feet on the second story of a detached garage to be built in conjunction with an existing single-family detached home on a 0.81-acre parcel of land located at 104 North Will Scarlet Lane (Route 1311) and further identified as Assessor's Parcel No. 7A2-10-EH-9 (GPIN# G15a-2261-4097); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of April, 2005, that Application No. UP-662-05 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize construction of an accessory apartment of approximately 515 square feet on the second story of a detached garage to be built in conjunction with an existing single-family detached home on a 0.81-acre parcel of land located at 104 North Will Scarlet Lane and further identified as Assessor's Parcel No. 7A2-10-EH-9 (GPIN# G15a-2261-4097) subject to the following conditions:

1. This Special Use Permit shall authorize construction of an accessory apartment of approximately 515 square feet on the second story of a detached garage to be built in conjunction with an existing single-family detached home on a 0.81-acre parcel of land located at 104 North Will Scarlet Lane and further identified as Assessor's Parcel No. 7A2-10-EH-9 (GPIN# G15a-2261-4097).
2. Building plans for the garage shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities. Said plans shall be in substantial conformance with the plot plan and building elevations submitted by the applicant, copies of which shall remain on file in the Planning Division.
3. Prior to the issuance of a building permit for the garage/apartment, the applicant shall either expand the existing septic system in accordance with the standards of the Virginia Department of Health or record with the Clerk of the Circuit Court a deed restriction on the property limiting the combined occupancy of the principal dwelling unit and the accessory apartment to no more than six (6) individuals.
4. Construction and operation of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407 of the Zoning Ordinance.
5. The height of the garage/apartment shall not exceed 1.25 times the height of the principal dwelling on the property.
6. The minimum front yard building setback requirement for the garage/apartment shall be fifty feet (50').

7. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.
8. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
9. Notwithstanding the customary two-year deadline for establishing special uses set forth in Section 24.1-115(c)(1), failure to establish the accessory apartment within three (3) years of the date of approval shall cause the permit to terminate automatically.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
 Nay: (0)

APPLICATION NO. UP-663-05, STORMOORE/UPPY'S CONVENIENCE STORE

Mr. Carter gave a presentation on Application No. UP-663-05 to amend a use permit granted for a mini-storage warehouse facility and access to a contractor's storage yard at 7307 George Washington Memorial Highway to authorize vehicular access to the mini-storage warehouse facility/contractor's storage yard through an abutting parcel located at 7305 George Washington Memorial Highway (Uppy's Convenience Store). Mr. Carter explained that VDOT supported this proposal, and the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-60.

Discussion took place on the need for a traffic signal, amount of traffic, and the type of traffic in the vicinity of Green Drive.

Chairman Burgett stated he could not understand VDOT's logic in this matter. He stated if VDOT would install a traffic light at Greene Drive, then vehicles could make left turns. He stated VDOT should authorize a traffic light if it was concerned with this issue.

Ms. Noll suggested with the added traffic from the Stor-Moore that VDOT might now approve a signal for Greene Drive.

Mr. Bowman was concerned that too many lights may be a problem if one is installed at Greene Drive.

Mr. Dale Moore, the applicant, stated he had been approached by Uppy's, and this was more or less for its benefit in an effort to help their business. He explained if there were an issue with trucks coming across the parking lot, he would have no problem prohibiting trucks larger than three-quarter ton from cutting through.

Mr. Shepperd questioned if Mr. Moore wanted this application to pass.

Mr. Moore affirmed he wanted the application to pass, as it would be more convenient for people coming in and out of his business. He further stated it would help Uppy's and address concerns of VDOT.

Mr. Shepperd pointed out that this application would have little effect on Mr. Moore's business as his customers would come whether there was an intersection connection or not.

Mr. Bowman stated his concerns about cars coming in and out between properties when Mr. Moore's business was closed.

Mr. Moore stated that the gate would not prevent people from entering Uppy's.

Chairman Burgett called to order a public hearing on Application No. UP-633-05 that was duly advertised as required by law. Proposed Resolution R05-60 is entitled:

A RESOLUTION TO APPROVE AN AMENDMENT TO SPECIAL USE PERMIT UP-634-04 TO AUTHORIZE VEHICULAR ACCESS TO PROPERTY LOCATED AT 7307 GEORGE WASHINGTON MEMORIAL HIGHWAY THROUGH PROPERTY LOCATED AT 7305 GEORGE WASHINGTON MEMORIAL HIGHWAY

Mr. Steven Moore, representative of Uppy's Store, spoke in support of the application. He stated he felt this action would be beneficial to Uppy's business and that it would be a safer route of travel between the two properties.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba stated he did not understand how the cut-through would improve the economic situation of Uppy's, and he felt there were safety issues to consider.

Mrs. Noll commented that she had the same feelings as Mr. Zaremba, and she did not like the idea of using a residential street for commercial services.

Mr. Bowman advised the Board that he understood the merit in the proposed application, but he was also concerned with safety issues. He suggested a stop sign or speed break for White's Lane and indicated he was still undecided on how to vote.

Mr. Shepperd commented that the Board would be creating an engineering puzzle if this application passed and that he was not in favor of another traffic signal at this time.

Chairman Burgett also recognized the safety issues with large trucks passing through Uppy's parking lot when customers were present and perhaps not paying attention. He stated he did not like the use of a residential street for this purpose, and he did not support this application.

Mrs. Noll then moved the adoption of proposed Resolution R05-60 that reads:

A RESOLUTION TO APPROVE AN AMENDMENT TO SPECIAL USE PERMIT UP-634-04 TO AUTHORIZE VEHICULAR ACCESS TO PROPERTY LOCATED AT 7307 GEORGE WASHINGTON MEMORIAL HIGHWAY THROUGH PROPERTY LOCATED AT 7305 GEORGE WASHINGTON MEMORIAL HIGHWAY

WHEREAS, the owners of Stor Moore and Uppy's Convenience Store have submitted Application No. UP-663-05, which requests amendment of a Special Use Permit (UP-634-04), pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, granted for a mini-storage warehouse facility and access to a contractor's storage yard at 7307 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 24-128 (GPIN No. Q08d-4951-0396). The amendment requests vehicular access to the mini-storage warehouse facility/contractor's storage yard through the abutting parcel located at 7305 George Washington Memorial Highway and further identified as Assessor's Parcel No. 24-129 (GPIN No. R08c-0703-0569); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of April, 2005, that application no. UP-663-05 be, and it hereby is, approved to authorize vehicular access to property located at 7307 George Washington Memorial Highway (Route 17) through property located at 7305 George Washington Memorial Highway, subject to the following conditions:

1. This use permit shall authorize amendment of Special Use Permit UP-634-04 to permit vehicular access to the mini-storage warehouse facility/contractor's storage yard located at 7307 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 24-128 (GPIN No. Q08d-4951-0396) through the abutting parcel located at 7305 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 24-129 (GPIN No. R08c-0703-0569).
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the establishment of the proposed vehicular cross-parcel connection. Said site plan shall be in substantial conformance with the sketch plan submitted by the applicant titled "Parking Lot Tie-In, Stor-Moore/Uppy's," and received by the Planning Division on February 10, 2005, except as modified herein or as may be necessary to comply with site plan review requirements.
3. Prior to site plan approval, a traffic impact analysis meeting requirements of Section 24.1-251(b) of the Zoning Ordinance shall be submitted for review and approval by the Department of Environmental and Development Services Plan Approving Agent and the Virginia Department of Transportation (VDOT).
4. The applicants shall be responsible for improvements to the Route 17/Whites Road intersection and the convenience store site as deemed necessary for safe and convenient traffic circulation between the two subject parcels and Route 17 by the Plan Approving Agent and VDOT. Such improvements may include, but are not limited to, Route 17 turn lane improvements, realignment of existing and proposed accessways, traffic circulation signage, redesign of parking layouts and pavement and drainage improvements.
5. Prior to site plan approval, a joint access/maintenance easement, approved as to content by the Plan Approving Agent and as to form by the County Attorney, shall be established and platted across both subject parcels
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (0)

Nay: (5) Zaremba, Noll, Bowman, Shepperd, Burgett

APPLICATION NO. SE-16-05, TIDEWATER DEVELOPMENT CO., LLC

Mr. Carter gave a presentation on Application No. SE-16-05 to authorize land disturbance and clearing within portions of the required 45-foot greenbelt buffer along the Mooretown Road (Route 603) frontage of the proposed Williamsburg Marketcenter property. He stated staff

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recommended approval of the application through the adoption of proposed Resolution R05-80, subject to certain conditions as outlined in the resolution.

Mr. Shepperd expressed concerns about who would be responsible for keeping the culvert under Mooretown Road clean.

Mr. Carter indicated VDOT would be responsible, and referred to the applicant's engineer for further questions.

Mr. Zaremba pointed out that there was potential for a tremendous amount of run off. He asked why the developer was requesting the fill to extend beyond the out parcels that were passed several months ago.

Mr. Carter explained that the applicant was proposing the fill so an out parcel could be created and developed at the southern end of the project. He explained the applicant was pursuing this with the knowledge that he must not adversely affect the drainage system that is in place that serves Michael Commons and the new area.

Mr. Zaremba expressed concern about potential problems with drainage and fill.

Discussion ensued concerning the fill and drainage in the area.

Mr. Shepperd asked if the applicant was filling in to create a commercial out parcel and if it would be setting a precedent.

Mr. Carter acknowledged that it would be a commercial parcel and explained that this was before the Board because the applicant was asking to do some work in a greenbelt buffer.

Chairman Burgett explained this was not on the original application, and he remembered that the area was slated to be left vacant.

Mrs. Noll stated it was unusual to invade the greenbelt area, but she stated it would actually enhance the corridor if it was filled in and the necessary landscaping was installed.

Mr. Shepperd asked about the enhancement of the greenbelt and the aesthetics of the area. He stated he thought the intent was to leave the area in its natural state.

Discussion continued concerning the greenbelt.

Mr. Rob Brown, 2 Island Court, applicant and manager of Tidewater Development Company, stated he was very excited about the project. He complimented the staff on its help and stated this would be an improvement to the County. He asked for the Board's support and offered to answer any of its questions.

Mr. Zaremba asked what coordination was done with Mr. Giffin, developer of the Michael Commons project, in converting the natural run-off with the developer of the adjacent land.

Mr. Brown described the Regional BMP agreement that had been executed for the project.

Mr. Zaremba asked if the specific piece of land that separates Williamsburg Marketplace from Michael Commons was specifically addressed in terms of what has to be done to make the drainage work.

Mr. Brad Brown, applicant's representative, explained the agreement contemplates that the stormwater pond could be relocated elsewhere off-site.

Mr. Shepperd shared his concerns of potential flooding caused by the fill in.

Chairman Burgett then called to order a public hearing on Application SE-16-05 that was duly advertised as required by law. Proposed Resolution R05-80 is entitled:

A RESOLUTION TO APPROVE APPLICATION NO. SE-16-05 TO
AUTHORIZE DISTURBANCE WITHIN PORTIONS OF A RE-
QUIRED 45-FOOT GREENBELT BUFFER ALONG THE FRONT-
AGE OF THE PROPOSED WILLIAMSBURG MARKETCENTER
PROPERTY LOCATED ON THE EAST SIDE OF MOORETOWN
ROAD (ROUTE 603)

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba stated the proposal was somewhat disconcerting in an area that there were no plans for development. He suggested the Board table the application until they can meet with staff.

Mrs. Noll acknowledged Mr. Zaremba's concern, but stated she thought the corner would be enhanced by what was proposed. She stated she did not wish to table the matter.

Mr. Shepperd expressed concern about future problems and doing away with natural ditches. He explained his two reasons to support the project: the Brown family's record and reputation of projects; and it would be easier to grade out a problem in that area than replace it. He stated he would go along with supporting the project as is.

Mr. Bowman mentioned concerns with filling in the low areas and the affect to Michael Commons. He also discussed the design aspect of the water outflow and indicated he'd like to see the proposal to carry the outfall of water. He stated his agreement with the greenbelt modifications but with the fill of the property.

Chairman Burgett pointed out his surprise at the application since it was not on the original plan, and stated the Board needed to look at the effects to Michael Commons.

Mr. Zaremba then moved to table the subject application.

On roll call the vote was:

| | | |
|------|-----|------------------------------------|
| Yea: | (4) | Zaremba, Bowman, Shepperd, Burgett |
| Nay: | (1) | Noll |

MATTERS PRESENTED BY THE BOARD (continued)

Mr. Zaremba reiterated the comments made by Michael Maddocks that Kristi Olsen was doing a great job with all the things that were going on. He has heard it from Williamsburg, James City County, and witnessed it himself in her representation of York County. He discussed his town meeting held at Queens Lake Middle School to discuss water issues concerning the provision of water service by the County or Aqua America. He stated a survey would go out to all homeowners to get their opinions on the water supplier. The survey will be accompanied by a description of the Aqua America and County systems so that the property owners would have an opportunity to vote on the system.

Mr. Shepperd publicly thanked the staff for its support of his town meeting, and he stated he would post the notes from the meeting on the community network website.

Chairman Burgett stated he attended a meeting concerning the cancer treatment facility proposed at Hampton University. The facility will be used to treat cancer with protons, a non-invasive procedure that does not harm human tissue. He noted he attended the Great Wolf Lodge formal dedication and discussed the economic impact of the lodge. He commented on the Workforce Development Consortium meeting he attended and stated a representative would soon come before the Board to give a presentation. He announced that Volunteer Appreciation Day would be on April 30 at Chisman Creek Park. He also asked the Board for its input on the signs that are displayed along the roadways during the weekends to indicate sales, stating he felt something needed to be done about the signs.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 10, 11, 12 and 13, respectively.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

Thereupon the following resolutions were adopted:

Item No. 10: EMPLOYEE OF THE QUARTER: Resolution R05-78.

A RESOLUTION TO COMMEND STEPHEN H. SCHAUER IN THE
DEPARTMENT OF FINANCIAL AND MANAGEMENT SERVICES
AS EMPLOYEE OF THE QUARTER

WHEREAS, Mr. Schauer has been employed with the County since April of 1990 and currently holds the position of Mail Distribution Clerk in the Department of Financial and Management Services; and

WHEREAS, Mr. Schauer has recently demonstrated his willingness to go above and beyond the expectations of his job by identifying the need for and designing an effective management and storage procedure for County surplus items; and

WHEREAS, Mr. Schauer devised a process of notification, retrieval, removal and storage of surplus items, along with a plan for the redistribution of various items to departments and agencies; and

WHEREAS, Mr. Schauer organized and cleaned up the storage unit, discarded non-usable items, arranged for a some surplus wooden bunk beds to be retrofitted into shelving and bins and installed them in the storage unit for organizing surplus items; and

WHEREAS, Mr. Schauer performed a physical inventory of every item and entered each item into an inventory control list that has a unique control number indicating the storage unit, shelf and bin location and the date entered into inventory, which includes a notification system that can be used to update the fixed asset listing; and

WHEREAS, Mr. Schauer makes his mail deliveries throughout the County and County staff members mention that they need a particular item, he is often able to locate the item in surplus and deliver it to them; and

WHEREAS, Mr. Schauer's diligent efforts resulted in the County receiving a NACO award in the category of Financial Management and has saved the County approximately \$1,200 annually by eliminating the need to rent another storage facility and has reduced the amount of time necessary to do a physical count of surplus inventory at year-end by 83%, and overall control and accountability of surplus property has improved by 90%;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of April, 2005, that Stephen H. Schauer, Mail/Distribution Clerk, be and is hereby congratulated upon his selection as Employee of the Quarter for the quarter ended December 31, 2004.

Item No. 11. SUPPORT FOR UPPER COUNTY YMCA: Resolution R05-77.

A RESOLUTION TO AUTHORIZE SUPPORT FOR AN UPPER
COUNTY YMCA

WHEREAS, the citizens of York County have expressed a desire for a community center and the staff and Board of Supervisors of the County of York have determined that the most cost effective manner of providing this service is through a public-private partnership; and

WHEREAS, the York County Board of Supervisors has a public-private partnership with the Peninsula Metropolitan YMCA for such an undertaking located in the lower County and known as the Victory YMCA; and

WHEREAS, it is the intent of the Board of Supervisors to support a YMCA to be located on property owned by Sentara Williamsburg Community Hospital that would provide comparable benefits for those residents of the Upper County by making a financial commitment of \$1 million toward the construction of such a facility; and

WHEREAS, it is the intent of the Board of Supervisors to make such a contribution in equal annual installments of \$50,000 for a period of twenty years to commence at the time of completion of the facility;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of April, 2005, that the County Administrator be, and hereby is, authorized to take all actions necessary to communicate the commitment of the Board and to plan for the commencement of support in the appropriate budget cycles.

Item No. 12. CROSSROADS REPLACEMENT HOME: Resolution R05-79.

A RESOLUTION TO AUTHORIZE ACTIONS TO PROCEED WITH
THE REPLACEMENT PROJECT FOR CROSSROADS COMMUNITY
YOUTH HOME

WHEREAS, the localities of York, James City and Gloucester Counties and the City of Williamsburg have collaborated on programs for juvenile offenders in the 9th District since the early 1970s and formed the currently named Colonial Group Home Commission in 1986 and collectively fund a complete continuum of programs and services in partnership with the Commonwealth; and

WHEREAS, Crossroads Community Youth Home is a 12 bed residential facility for males ages 14-18 owned by the member jurisdictions of the Colonial Group Home Commission as tenants-in-common consisting of a small compound including a three-floor residence and small auxiliary buildings that provide office space and food service storage; and

WHEREAS, the facility was formerly a private residence and accordingly the design makes it very difficult to operate given the nature and challenges accompanying placement of today's youth and in addition to the facility design issues, the half-century-old structure requires constant, significant maintenance and repair, making it imperative that a replacement facility be constructed; and

WHEREAS, the General Assembly has excepted Crossroads specifically by name from the existing moratorium on construction of group homes and other residential structures for juveniles in order to facilitate the funding and construction of a new Crossroads Community Youth Home; and

WHEREAS, in order for the replacement project to proceed, in particular in regard to the details of interim financing, of a long-term land lease agreement and provisions for the sale of the existing facility, it is necessary for the member localities to authorize the Commission and the Commission Administrator to take the necessary steps;

NOW THEREFORE BE IT RESOLVED, this 19th day of April 2005, that the York County Board of Supervisors does hereby authorize the Colonial Group Home Commission and the Commission Administrator to take all steps necessary to arrange for the sale of the existing Crossroads Community Youth Home, the details of a long term land lease as a site for a new facility and for the necessary financing to construct that facility.

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BE IT FURTHER RESOLVED THAT documents effecting the final sale of the property and the execution of the land lease must be approved by the York County Board of Supervisors.

Item No. 13. STREET ACCEPTANCE: Resolution R05-76.

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE CERTAIN STREETS IN THE
BRUTON GLEN SUBDIVISION INTO THE SECONDARY SYSTEM
OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 19th day of April, 2005, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Bruton Glen and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted April 19, 2005

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Bruton Glen

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Brittania Drive, State Route Number 1137

Description: **From:** Route 730 (Bruton Drive)
To: Route 1141 (Rusty Court)
 A distance of: 0.05 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 4/27/1998, Plat Book 12, Pages 574-576, with a width of 44'

Description: **From:** Route 1141 (Rusty Court)
To: Route 1137, Ties into end of existing Brittania Drive
 A distance of: 0.02 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 4/27/1998, Plat Book 12, Pages 574-576, with a variable width of 44' to 50'

Bruton Drive, State Route Number 730

Description: **From:** Route 727 (Nelson Drive)
To: Route 1137 (Brittania Drive)
 A distance of: 0.09 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court in 1953, Plat Book 5, Page 68, and on 4/27/1998, Plat Book 12, Pages 574-576, with a width of 44' and 50'

Description: **From:** Route 1137 (Brittania Drive)
To: End of cul-de-sac
 A distance of: 0.07 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 4/27/1998, Plat Book 12, Pages 574-576, with a width of 40'

Colonial Avenue, State Route Number 728

Description: **From:** Route 752 (Sheppard Drive)
To: Route 727 (Nelson Drive)
 A distance of: 0.09 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court in 1953, Plat Book 5, Page 68, and on 4/05/2000, Plat Book 13, Pages 115-116, with a width of 44' and 50'

Rusty Court, State Route Number 1141

Description: **From:** Route 1137 (Brittania Drive)
To: End of cul-de-sac
 A distance of: 0.04 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 4/27/1998, Plat Book 12, Pages 574-576, with a width of 40'

Sheppard Drive, State Route Number 752

Description: **From:** Route 727 (Nelson Drive)
To: Route 728 (Colonial Avenue)
 A distance of: 0.16 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 6/13/1963, Plat Book 7, Page 31, and on 4/05/2000, Plat Book 13, Pages 115-116, with a width of 50' and variable to 44'

Description: **From:** Route 728 (Colonial Avenue)
To: End of Route 729, 0.03 mi East of Route 727
 A distance of: 0.12 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 4/05/2000, Plat Book 13, Pages 115- 116, with a width of 44' and variable to 50'

Type of Change: **Administrative**

The Virginia Department of Transportation is requested to discontinue the following portions of the Secondary System of State Highways:

Reason for Change: Route Re-numbering

Pursuant to Code of Virginia Statute: **§33.1-69**

Route Number and/or Street Name

Sheppard Drive, State Route Number 752 (formerly Newport Avenue-Route Number 729)

Description: **From:** End of Route 752 (Sheppard Drive)
To: Route 727 (Nelson Drive)
 A distance of: 0.03 mile.

April 19, 2005

Right of Way Record: Filed with the Clerk of the Circuit Court in 1953, Plat Book 5, Page 68, and on 4/05/2000, Plat Book 13, Pages 115-116, with a width of 50'

NEW BUSINESS

PROPOSED FISCAL YEAR 2006 BUDGT AND TAX RATES FOR 2005

Ms. Carol White, Director of Financial and Management Services, gave a brief presentation on proposed Ordinance No. 05-1 to impose tax levies upon tangible personal property, upon machinery and tools, upon mobile homes, and upon real estate for the calendar year 2005, and to prorate taxes on mobile homes; and on proposed Resolution R05-9 to approve the budget and appropriate funds for the Fiscal Year beginning July 1, 2005, and ending June 30, 2005.

Mr. Shepperd then moved the adoption of proposed Ordinance No. 05-1 that reads:

AN ORDINANCE TO IMPOSE TAX LEVIES UPON TANGIBLE PERSONAL PROPERTY, UPON MACHINERY AND TOOLS, UPON MOBILE HOMES, AND UPON REAL ESTATE FOR THE CALENDAR YEAR 2005, AND TO PRORATE TAXES ON MOBILE HOMES

WHEREAS, it is necessary for the Board of Supervisors to establish real estate and personal property tax levies for the County of York for calendar year 2005 beginning January 1, 2005, and ending December 31, 2005; and

WHEREAS, the Board has duly advertised and held a public hearing on the subject tax levies;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 19th day of April, 2005, that the following County tax levies be, and they hereby are, imposed for the calendar year 2005:

| <u>Class of Property</u> | <u>Rate Per \$100 of Assessed Valuation</u> |
|---|---|
| 1. Real Estate | .8175 |
| 2. Tangible Personal Property | 4.00 |
| 3. Machinery and Tools | 4.00 |
| 4. Vehicles without motive power, used or designed to be used as manufactured homes as defined in Section 36-85.3 of the Code of Virginia | .8175 |
| 5. Boats or watercraft weighing five tons or more | 1.00 |

BE IT FURTHER ORDAINED that if a mobile home is delivered or moved to York County after January one of any year and used as a place of full-time residence by any person, the Commissioner of the Revenue shall assess and quarterly prorate any property taxes which would have been collectible had such mobile home been situated within York County on January one of that year.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
Nay: (0)

Mr. Shepperd then moved the adoption of proposed Resolution R05-9 that reads:

A RESOLUTION TO APPROVE THE BUDGETS AND APPROPRIATE FUNDS FOR THE COUNTY OF YORK AND THE YORK COUNTY SCHOOL DIVISION FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2006

WHEREAS, the County Administrator has submitted to the York County Board of Supervisors a proposed annual budget for the County for the fiscal year beginning July 1, 2005, and ending June 30, 2006, which has been reviewed by the Board of Supervisors; and

WHEREAS, it is necessary to adopt said budget and appropriate sufficient funds to cover the requirements included therein; and

WHEREAS, the Board of Supervisors, in exercising its independent judgment and in concert with the York County School Board, has considered the school's annual operating budget; and

WHEREAS, after considering the availability of local funds, approval of the York County School Board's fiscal year 2006 educational budget is based upon funding from the federal government in the amount of \$13,196,585; from the state government in the amount of \$53,095,629; from the local appropriations in the amount of \$37,175,901; and other local revenues in the amount of \$945,800;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of April, 2005, that the fiscal year 2006 annual budget of the York County School Division for school operations in the amount of \$104,413,915 be, and is hereby, approved subject to and contingent upon the availability of funds as indicated in the preamble hereto.

BE IT FURTHER RESOLVED that the annual budget in the sum of \$4,201,054 for fiscal year 2006 be, and is hereby, approved for the operation of food service programs for purposes authorized and approved by the York County School Board subject to and contingent upon the availability of funds.

BE IT STILL FURTHER RESOLVED that an annual appropriation in the sum of \$17,375,000 for fiscal year 2006 be, and is hereby, made school capital projects.

BE IT STILL FURTHER RESOLVED that the fiscal year 2006 annual budget for the County of York be, and is hereby, adopted as proposed on this date.

BE IT STILL FURTHER RESOLVED that the following annual appropriations for fiscal year 2006 be, and are hereby, made in the General Fund for the following functions:

| | |
|--------------------------------------|----------------------|
| <u>Functions:</u> | |
| General Administration | \$ 1,838,100 |
| Judicial Administration | 2,268,836 |
| Public Safety | 21,762,180 |
| Environmental & Development Services | 4,186,549 |
| Finance & Planning | 7,384,695 |
| Education & Educational Services | 45,555,640 |
| Human Services | 2,394,169 |
| General Services | 5,738,468 |
| Community Services | 2,851,828 |
| Capital Outlay | 5,440,991 |
| Non-Departmental | 3,049,453 |
| Total General Fund | <u>\$102,470,909</u> |

BE IT STILL FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to transfer the appropriations included in the General Fund Non-Departmental function for the allocation of the market adjustment and benefits to the personnel services category in the various General Fund functions.

BE IT STILL FURTHER RESOLVED that the appropriation of the transfer of one-half (1/2) of the actual meals tax collections to the Water and Sewer Extension and Stormwater Maintenance Funds be, and is hereby, adjusted in the General Fund to effect the funding for County water, sewer and stormwater projects.

BE IT STILL FURTHER RESOLVED that the appropriation of the transfer of an amount equal to actual revenues received as a result of the three percent (3%) increase in the Transient Occupancy Tax rate to the Tourism Fund be, and is hereby, adjusted in the General Fund to effect the funding for tourism and travel related activities.

BE IT STILL FURTHER RESOLVED that the \$45,555,640 appropriated above from the General Fund for Education and Educational Services, includes \$37,175,901 for the local contribution to the School Division for support of the School operating budget and, of this amount \$36,155,631 is appropriated as a non-categorical appropriation to be allocated among the various school operating categories as the School Board deems necessary and \$1,020,270 is appropriated to the Operation and Maintenance Category for continuation of the School Grounds Maintenance Agreement, dated June 23, 1992, as adopted by the York County Board of Supervisors and the York County School Board.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$5,105,033 for fiscal year 2006 be, and is hereby, made in the Social Services Fund for the operation of the York/Poquoson Department of Social Services.

BE IT STILL FURTHER RESOLVED that the annual appropriation of the Social Services Fund be, and is hereby, increased if and when additional federal and/or state funds become available. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$8,250 for fiscal year 2006 be, and is hereby, made in the Law Library Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$1,251,760 for fiscal year 2006 be, and is hereby, made in the Children's Services Fund for the operation of the Children's Services, Head Start and the United States Department of Agriculture (USDA) Programs.

BE IT STILL FURTHER RESOLVED that the annual appropriations of the Head Start and USDA Programs be, and are hereby, increased if and when additional federal and state funds or local contributions become available. The County Administrator shall advise the Board of Supervisors in writing of all such actions. In addition, the County Administrator is, and shall be, authorized on a continuing basis to apply for subsequent grants and aid under the Children's Services, Head Start and USDA Programs and to do all things necessary to implement said grants.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$1,981,281 for fiscal year 2006 be, and is hereby, made in the Fire and Rescue Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$22,593,529 for fiscal year 2006 be, and is hereby, made in the School Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$5,242,667 for fiscal year 2006 be, and is hereby, made in the Public Facilities Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$313,656 for fiscal year 2006 be, and is hereby, made in the Stormwater Management Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$87,094 for fiscal year 2006 be, and is hereby, made in the Yorktown Capital Improvements Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$6,040,000 for fiscal year 2006 be, and is hereby, made in the County Capital Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$478,000 for fiscal year 2006 be, and is hereby, made in the County Workers' Compensation Fund for the management and operation of the workers' compensation program.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$2,096,000 for fiscal year 2006 be, and is hereby, made in the Tourism Fund for tourism and travel related activities.

BE IT STILL FURTHER RESOLVED that the annual appropriation of the Tourism Fund be, and is hereby, increased if and when additional revenues from the transient occupancy taxes become available. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$1,050,000 for fiscal year 2006 be, and is hereby, made in the Revenue Stabilization Reserve Fund as a transfer to the School Construction Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$2,878,383 for fiscal year 2006 be, and is hereby, made in the Vehicle Maintenance Fund for the operation of the County's vehicle and equipment maintenance program.

BE IT STILL FURTHER RESOLVED that the following appropriations for fiscal year 2006 be, and are hereby, made in the Enterprise Funds:

Funds:

| | |
|--------------------------------|-------------|
| Solid Waste Fund | \$3,743,860 |
| Water Utility Fund | \$ 487,319 |
| Sewer Utility Fund | \$5,069,427 |
| Water and Sewer Extension Fund | \$9,484,312 |

BE IT STILL FURTHER RESOLVED that the County Treasurer, upon receipt of a written order from the County Administrator, is authorized to advance monies between the several County funds under her custody provided, however, that the total advanced to any particular fund, plus the amount of monies disbursed from that fund, does not exceed the annual appropriation of said fund.

BE IT STILL FURTHER RESOLVED that, upon receipt of a written request from the York County Library Board, the County Administrator shall be, and is hereby, authorized to do all things necessary to apply for federal and state library aid and in addition, the annual appropriation for library operations be, and is hereby, increased for all funds received under this program in accordance with the recommendations of the York County Library Board.

BE IT STILL FURTHER RESOLVED that, upon receiving notice of grant or program opportunities offered by various local, state, federal and other outside organizations, the County Administrator or his designee be, and is hereby designated as the agent to execute the necessary grant or program application and other documentation, unless the terms of the grant or program require specific actions by the Board, to give such assurances as may be required by the agreement subject to approval as to form by the County Attorney and to provide such additional information as may be required by the awarding organization. In addition, the funding awarded, not to exceed \$30,000, shall be, and is hereby, appropriated to the applicable functional area.

BE IT STILL FURTHER RESOLVED that interest earned on grant and program awards received from local, state, federal and other outside organizations be, and is hereby, appropri-

ated to the appropriate functional area to be expended in accordance with guidelines as established by the organizations.

BE IT STILL FURTHER RESOLVED that additional funds received as contributions or donations for various County programs be, and are hereby, appropriated in the General Fund for the purposes established by each program.

BE IT STILL FURTHER RESOLVED that funds received for the off-duty employment by deputy sheriffs program be, and hereby are, appropriated in the General Fund to cover the costs of the program.

BE IT STILL FURTHER RESOLVED that funds received from the Virginia Department of Social Services through the Revenue Maximization Program for the enhancement and expansion of human services programs or to develop new initiatives to better meet human services needs within the County be, and are hereby, appropriated in accordance with program guidelines. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that funds received from the Federal Emergency Management Agency (FEMA) for reimbursements for expenses incurred as a result of unusual and infrequent events not to exceed \$30,000 per incident be, and are hereby, appropriated under this program to the appropriate functional area.

BE IT STILL FURTHER RESOLVED that funds received through insurance claims for damages incurred to County property as a result of unusual and infrequent events not to exceed \$30,000 per incident be, and are hereby, appropriated under this program to the appropriate functional area.

BE IT STILL FURTHER RESOLVED that upon receipt of written notification from the State Compensation Board of additional funds for the Constitutional Officers (Commonwealth's Attorney, Sheriff, Clerk of Court, Treasurer, and Commissioner of the Revenue) be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the state government.

BE IT STILL FURTHER RESOLVED that the annual contributions that are in excess of \$30,000, which are hereby appropriated, shall be disbursed on a semi-annual basis with the amount disbursed not to exceed one-half of the total appropriation. Contributions to the York County School Board and the York/Poquoson Department of Social Services are exempt from this limitation. All other exceptions must be approved by the Board of Supervisors. In addition, the County Administrator may require written reports on how the previous allocation(s) was/were spent before any future disbursements are made.

BE IT STILL FURTHER RESOLVED that the monies be, and are hereby, appropriated for fiscal year 2006 in the various funds for the purpose of liquidating encumbered purchase transactions as of June 30, 2005 not to exceed the Reserves for Encumbrances as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the monies be, and are hereby, appropriated for fiscal year 2006 in the various funds for the purpose of continuing capital and special projects as of June 30, 2005 not to exceed the Designation of Subsequent Year's Expenditures as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to transfer funds within appropriation functions. These transfers may be made to allow the disbursement of funds for unanticipated costs incurred in daily County operations and any such transfer may not result in a change in the total appropriated for personnel or non-personnel costs within the function.

BE IT STILL FURTHER RESOLVED that the County Administrator, Director of Financial and Management Services and Chief of Budget and Financial Reporting be, and are hereby, the authorized signers for the General Administration petty cash account available to allow for emergency purchases necessary in daily County operations.
On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett
Nay: (0)

APPROVAL OF THE FY2006-2011 CAPITAL IMPROVEMENTS PROGRAM

Ms. White gave a presentation on proposed Resolution R05-10 to adopt the FY2006-2011 Capital Improvements Program as a long-range planning document.

Mr. Zaremba then moved the adoption of proposed Resolution R05-10 that reads:

A RESOLUTION TO ADOPT THE FISCAL YEAR 2006-2011 CAPITAL IMPROVEMENTS PROGRAM AS A LONG-RANGE PLANNING DOCUMENT

WHEREAS, in consideration of materials received from the departments and agencies of the County and direction from the Board of Supervisors, the County Administrator has developed a proposed Fiscal Year 2006-2011 Capital Improvements Program; and

WHEREAS, the Capital Improvements Program serves as a long-range planning document subject each year to review and approval of funding by the Board of Supervisors; and

WHEREAS, such review has been completed for the fiscal year 2006-2011 Capital Improvements Program;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of April, 2005, that the County Administrator's proposed Fiscal Year 2006-2011 Capital Improvements Program be, and is hereby, adopted by the Board of Supervisors.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

DESIGNATION OF REAL PROPERTY TAX FOR SCHOOL PURPOSES

Ms. White explained the purpose of proposed Resolution R05-11 to designate a portion of the real property tax for school purposes.

Mr. Zaremba then moved the adoption of proposed Resolution R05-11 that reads:

A RESOLUTION TO DESIGNATE A PORTION OF THE REAL PROPERTY TAX FOR SCHOOL PURPOSES

WHEREAS, Public Law 874 enacted by the 81st Congress, and codified in 20 U.S.C. Sections 236 to 241-1 and 242 to 244 (hereinafter "the Act"), provides for federal financial assistance to local educational agencies in areas affected by federal activities; and

WHEREAS, approximately thirty-eight percent (38%) of the land area of York County is controlled by the federal government, which entitles the York County School Division to financial assistance under Section 2 of the Act, as administered pursuant to U. S. Department of Education regulations governing distribution of financial aid authorized by the Act, 34 CFR Part 222, Subpart J; and

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WHEREAS, the York County School Division is a fiscally dependent local educational agency under these U. S. Department of Education regulations; and

WHEREAS, 34 CFR Section 222.3, Definitions, provides that for a fiscally dependent local educational agency, the local real property tax rate for school purposes can be defined as "that portion of a local real property tax rate designated by the general government for school purposes"; and

WHEREAS, the York County Board of Supervisors finds it to be in the best interest of the citizens of York County to designate a portion of the local real property tax rate for school purposes in conformance with 34 CFR Section 222.3;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of April, 2005, that, for Fiscal Year 2006, a portion of the York County, Virginia, local real property tax rate equal to sixty-two and three tenths cents (\$0.623) per \$100 of valuation be, and is hereby, designated for school purposes as provided in 34 CFR Section 222.3.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

CLOSED MEETING. At 9:50 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
Nay: (0)

Meeting Reconvened. At 10:00 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of April, 2005, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY BOARD OF BUILDING CODE APPEALS

Chairman Burgett moved the adoption of proposed Resolution R05-74 that reads:

A RESOLUTION TO REAPPOINT AND APPOINT MEMBERS TO
THE YORK COUNTY BOARD OF BUILDING CODE APPEALS

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of April, 2005 that Jacob M. Adkins, Wayne D. Harbin, Joseph L. Spruill, and William M. Hurst be, and they are hereby appointed to the York County Board of Building Code Appeals for a term of three years, such term to begin April 19, 2005, and expire June 30, 2008.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

Meeting Adjourned. At 10:02 p.m. Chairman Burgett moved that the meeting be adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors